

## NCLB Law – LEA Improvement and Corrective Action

US Code:

**TITLE 20 > CHAPTER 70 > SUBCHAPTER I > Part A > subpart 1 > § 6316**

### **§ 6316. Academic assessment and local educational agency and school improvement**

District Improvement

#### **(c) State review and local educational agency improvement**

##### **(1) In general**

A State shall—

**(A)** annually review the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate yearly progress as defined in section 6311 (b)(2) of this title toward meeting the State's student academic achievement standards and to determine if each local educational agency is carrying out its responsibilities under this section and sections 6317, 6318, and 6319 of this title; and

**(B)** publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review, including statistically sound disaggregated results, as required by section 6311 (b)(2) of this title.

##### **(2) Rewards**

In the case of a local educational agency that, for 2 consecutive years, has exceeded adequate yearly progress as defined in the State plan under section 6311 (b)(2) of this title, the State may make rewards of the kinds described under section 6317 of this title to the agency.

##### **(3) Identification of local educational agency for improvement**

A State shall identify for improvement any local educational agency that, for 2 consecutive years, including the period immediately prior to January 8, 2002, failed to make adequate yearly progress as defined in the State's plan under section 6311 (b)(2) of this title.

##### **(4) Targeted assistance schools**

When reviewing targeted assistance schools served by a local educational agency, a State educational agency may choose to review the progress of only the students in such schools who are served, or are eligible for services, under this part.

##### **(5) Opportunity to review and present evidence**

###### **(A) Review**

Before identifying a local educational agency for improvement under paragraph (3) or corrective action under paragraph (10), a State educational agency shall provide the local educational agency with an opportunity to review the data, including academic assessment data, on which the proposed identification is based.

###### **(B) Evidence**

If the local educational agency believes that the proposed identification is in error for statistical or other substantive reasons, the agency may provide supporting evidence to the State educational agency, which shall consider the evidence before making a final determination not later than 30 days after the State educational agency

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provides the local educational agency with the opportunity to review such data under subparagraph (A).

### **(6) Notification to parents**

The State educational agency shall promptly provide to the parents (in a format and, to the extent practicable, in a language the parents can understand) of each student enrolled in a school served by a local educational agency identified for **improvement**, the results of the review under paragraph (1) and, if the agency is identified for **improvement**, the reasons for that identification and how parents can participate in upgrading the quality of the local educational agency.

### **(7) Local educational agency revisions**

#### **(A) Plan**

Each local educational agency identified under paragraph (3) shall, not later than 3 months after being so identified, develop or revise a local educational agency plan, in consultation with parents, school staff, and others. Such plan shall—

- (i)** incorporate scientifically based research strategies that strengthen the core academic program in schools served by the local educational agency;
- (ii)** identify actions that have the greatest likelihood of improving the achievement of participating children in meeting the State's student academic achievement standards;
- (iii)** address the professional development needs of the instructional staff serving the agency by committing to spend not less than 10 percent of the funds received by the local educational agency under subpart 2 of this part for each fiscal year in which the agency is identified for **improvement** for professional development (including funds reserved for professional development under subsection (b)(3)(A)(iii) of this section), but excluding funds reserved for professional development under section 6319 of this title;
- (iv)** include specific measurable achievement goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 6311 (b)(2)(C)(v) of this title, consistent with adequate yearly progress as defined under section 6311 (b)(2) of this title;
- (v)** address the fundamental teaching and learning needs in the schools of that agency, and the specific academic problems of low-achieving students, including a determination of why the local educational agency's prior plan failed to bring about increased student academic achievement;
- (vi)** incorporate, as appropriate, activities before school, after school, during the summer, and during an extension of the school year;
- (vii)** specify the responsibilities of the State educational agency and the local educational agency under the plan, including specifying the technical assistance to be provided by the State educational agency under paragraph (9) and the local educational agency's responsibilities under section 6321 of this title; and
- (viii)** include strategies to promote effective parental involvement in the school.

#### **(B) Implementation**

The local educational agency shall implement the plan (including a revised plan) expeditiously, but not later than the beginning of the next school year after the school year in which the agency was identified for **improvement**.

### **(9) 3 State educational agency responsibility**

#### **(A) Technical or other assistance**

For each local educational agency identified under paragraph (3), the State educational agency shall provide technical or other assistance if requested, as authorized under section 6317 of this title, to better enable the local educational agency to—

- (i)** develop and implement the local educational agency's plan; and

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(ii) work with schools needing **improvement**.

### **(B) Methods and strategies**

Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be supported by effective methods and instructional strategies based on scientifically based research. Such technical assistance shall address problems, if any, in implementing the parental involvement activities described in section 6318 of this title and the professional development activities described in section 6319 of this title.

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### Corrective Action

#### **(10) Corrective action**

In order to help students served under this part meet challenging State student academic achievement standards, each State shall implement a system of corrective action in accordance with the following:

##### **(A) Definition**

As used in this paragraph, the term “corrective action” means action, consistent with State law, that—

- (i)** substantially and directly responds to the consistent academic failure that caused the State to take such action and to any underlying staffing, curricular, or other problems in the agency; and
- (ii)** is designed to meet the goal of having all students served under this part achieve at the proficient and advanced student academic achievement levels.

##### **(B) General requirements**

After providing technical assistance under paragraph (9) and subject to subparagraph (E), the State—

- (i)** may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (3);
- (ii)** shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, by the end of the second full school year after the identification of the agency under paragraph (3); and
- (iii)** shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

##### **(C) Certain corrective actions required**

In the case of a local educational agency identified for corrective action, the State educational agency shall take at least one of the following corrective actions:

- (i)** Deferring programmatic funds or reducing administrative funds.
- (ii)** Instituting and fully implementing a new curriculum that is based on State and local academic content and achievement standards, including providing appropriate professional development based on scientifically based research for all relevant staff, that offers substantial promise of improving educational achievement for low-achieving students.
- (iii)** Replacing the local educational agency personnel who are relevant to the failure to make adequate yearly progress.
- (iv)** Removing particular schools from the jurisdiction of the local educational agency and establishing alternative arrangements for public governance and supervision of such schools.
- (v)** Appointing, through the State educational agency, a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.
- (vi)** Abolishing or restructuring the local educational agency.
- (vii)** Authorizing students to transfer from a school operated by the local educational agency to a higher-performing public school operated by another local educational agency in accordance with subsections (b)(1)(E) and (F) of this section, and providing to such students transportation (or the costs of transportation) to such schools consistent with subsection (b)(9) of this section, in conjunction with carrying out not less than one additional action described under this subparagraph.

##### **(D) Hearing**

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Prior to implementing any corrective action under this paragraph, the State educational agency shall provide notice and a hearing to the affected local educational agency, if State law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.

### **(E) Notice to parents**

The State educational agency shall publish, and disseminate to parents and the public, information on any corrective action the State educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.

### **(F) Delay**

Notwithstanding subparagraph (B)(ii), a State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action under this paragraph if the local educational agency makes adequate yearly progress for 1 year or its failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency. No such period shall be taken into account in determining the number of consecutive years of failure to make adequate yearly progress.

Also, here is the link for the US code:

[http://www.law.cornell.edu/uscode/search/display.html?terms=district%20improvement&url=/uscode/html/uscode20/usc\\_sec\\_20\\_00006316----000-.html](http://www.law.cornell.edu/uscode/search/display.html?terms=district%20improvement&url=/uscode/html/uscode20/usc_sec_20_00006316----000-.html)